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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/755,186	01/08/2001	Hiroshi Yamaguchi	Q61686	4862

7590 05/19/2005

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EXAMINER

SAFAIPOUR, HOUSHANG

ART UNIT	PAPER NUMBER
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2622

DATE MAILED: 05/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/755,186

Applicant(s)

YAMAGUCHI, HIROSHI

Examiner

Houshang Safaipoor

Art Unit

2622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-3,5-12,14 and 16-20 is/are rejected.
- 7) ☒ Claim(s) 4,13 and 15 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 January 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. ____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 1-3, 5, 7-11, 14 and 16-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Yushiya (U.S. Patent No. 6,456,748).

Regarding claim 1, Yushiya discloses a light source device used at the time of separating, into N color components, light which is irradiated toward an original and is one of transmitted through and reflected by the original, said light source device comprising:

a light source section formed from M light emitting elements having different emission spectrums, wherein $M > N$ (fig. 18, col. 11, lines 59-64); and
a controller controlling overall spectral characteristics of light emitted from the light source section by controlling at least one of lighting and extinguishing of each of the M light-emitting

Art Unit: 2622

elements of the light source section, emission intensity of each of the M light-emitting elements of the light source section, and emission time of each of the M light-emitting elements of the light source section (col. 12, lines 1-23).

Regarding claim 2, please refer to arguments under claim 1 and note that Yushiya discloses illumination control for either color or black and white documents.

Regarding claim 3, Yushiya discloses the light source device according to claim 2, wherein the controller determines the desired overall spectral characteristics for the light emitted from the light source section, and when the original is a specific type (either color or black and white), the controller selectively illuminates light emitting elements corresponding to a specific color component wavelength region according to the desired overall spectral characteristics (col. 15, lines 48-67).

Regarding claim 5, Yushiya discloses the light source device according to claim 1, wherein light emitting elements are provided in the light source section corresponding to each color component wavelength region, and light emitting elements corresponding to at least one color component wavelength region are formed from a plurality of light emitting elements each having a different emission spectrum (fig. 18, col. 11, lines 59-64).

Regarding claim 7, Yushiya discloses the light source device according to claim 1, wherein light emitted from the light source section is provided with a plurality of light source units, each unit of which emits light having different spectral characteristics, and the controller illuminates different light source units in accordance with a type of the original (black and white document type, col. 15, lines 57-67).

Regarding claim 8, Yushiya discloses the light source device according to claim 1, wherein light emitting elements are provided in the light source section corresponding to each color component wavelength region and light emitting elements corresponding to at least one color component wavelength region are provided with a single light source unit formed from a plurality of light emitting elements each having a different emission spectrum (fig. 18).

Regarding claims 9 and 10, arguments analogous to those presented for claims 1 and 8 are applicable to claims 9 and 10 respectively.

Regarding claims 11, 14, 16 and 20 arguments analogous to those presented for claims 1 and 7 are applicable to claims 11, 14, 16 and 20.

Regarding claim 17, arguments analogous to those presented for claim 8 are applicable to claim 17.

Regarding claim 18, arguments analogous to those presented for claim 1 are applicable to claim 18.

Regarding claim 19, Yushiya discloses the device according to claim 9, wherein the sensing apparatus divides, into N color components, light which has been transmitted through or reflected by the original and has been incident on the sensing apparatus, and the sensing apparatus carries out sensing by using a charge-accumulating-type light sensor which accumulates charges corresponding to light amounts of respective color component lights, and the sensing apparatus has an accumulating time controller which controls the charge accumulating time at the charge-accumulating-type sensor in accordance with control of the light source section carried out by the controller (please refer to the arguments under claim 1 and

Art Unit: 2622

col. 9 line 9 through col. 10 line 33).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 6 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yushiya (U.S. Patent No. 6,456,748).

Regarding claims 6 and 12, illumination control, based on changes due to temperature variations, is well known and routinely implemented in the art. Therefore, it would have been obvious to a person of ordinary skill in the art to include this controlling feature in Yushiya's image reading system to further enhance the invention.

Allowable Subject Matter

Claims 4, 13 and 15 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

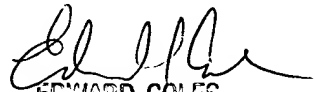
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Houshang Safaipoor whose telephone number is (571)272-7412. The examiner can normally be reached on Mon.-Thurs. from 6:30am to 5:00pm.

Art Unit: 2622

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward L. Coles, Sr. can be reached on (571)272-7402. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Houshang Safaipoor
Patent Examiner
Art Unit 2622
May 13, 2005


EDWARD COLES
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER